ernment witnesses who were accomplices (see *United States* v. *Nolte*, 440 F. 2d 1124, 1126 (C.A. 5)), were friendly to petitioner and laudatory of his efforts in the Clearwater enterprise (*e.g.*, App. 135, 139, 140). In such circumstances, failure to give the instruction could not have resulted in prejudice to petitioner.

4. Petitioner raises but does not argue a miscellany of other points which are based on misreadings of the record. Petitioner states that the prosecutor in his opening statement indicated that the trial judge had already told the jury "what the accused had done" (Pet. 2). When read in context, it is clear that all the prosecutor said was that the court had previously "outlined" the indictment to the jury and that the government hoped to prove that the defendant's acts fit the conduct outlined in the indictment (App. 41–44).

Petitioner also mistakenly asserts that the rules and regulations of the Small Business Administration concerning self-dealing transactions were not produced in court and may not have been published in the Federal Register (Pet. 2, 8). The record shows that they were so published and that a copy was properly accepted by the court as the law applicable to the present case (App. 305–306). See 15 U.S.C. 687d; *Lichter* v. *United States*, 334 U.S. 742, 785; *Paul* v. *United States*, 371 U.S. 245.

CONCLUSION

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

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